

AMENDED IN ASSEMBLY SEPTEMBER 9, 2003

AMENDED IN ASSEMBLY SEPTEMBER 4, 2003

AMENDED IN ASSEMBLY JULY 15, 2003

AMENDED IN ASSEMBLY JULY 3, 2003

AMENDED IN SENATE APRIL 21, 2003

## SENATE BILL

**No. 556**

**Introduced by Senator Sher**  
**(Coauthor: Senator Alpert)**  
*(Coauthor: Assembly Member Nation)*

February 20, 2003

---

An act to amend, add, and repeal Section 52124 of the Education Code, relating to class size, ~~and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 556, as amended, Sher. Class size.

Existing law establishes the Class Size Reduction Program, in which participating school districts are provided funding for each class in which the class size is reduced to a ratio of 20 pupils to 1 teacher in kindergarten and any of grades 1 to 3, inclusive.

Existing law requires the Class Size Reduction Program to be implemented in accordance with a prescribed order of priority based on grade level and requires the Controller to deduct a specified amount from the district's next principal apportionment for each class that the district failed to reduce to a class size of 20 or less pupils.

This bill would, through the 2005–06 school year, require any school district establishing a class size reduction program to select the grade level or levels at a schoolsite to be reduced and to give priority to reducing class size in the selected grade level or levels before reducing class size in other grade levels at the schoolsite. This bill would require the Controller to deduct from the district’s next principal apportionment a specified amount based on the annual pupil enrollment of a class above a prescribed number.

Existing law authorizes a school district to establish a district deferred maintenance account to fund the major repair or replacement of school facilities systems. Existing law requires the State Allocation Board to allocate to a school district, within prescribed limits, state funding from the State School Deferred Maintenance Fund in an amount that equals the amount of local funds deposited in the district account by the school district for this purpose.

This bill would authorize the governing board of a school district to use moneys that it deposited in the district deferred maintenance account in the 2003–04 fiscal year to supplement, as necessary, state funds allocated to support class size reduction programs in the 2003–04 school year.

This bill would make other technical and conforming changes.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 52124 of the Education Code is  
2 amended to read:  
3 52124. (a) A school district that implements a class size  
4 reduction program pursuant to this chapter is subject to this  
5 section.  
6 (b) A school district may establish a program to reduce class  
7 size in kindergarten and grades 1 to 3, inclusive. In order to best  
8 meet the needs of its pupils, the governing board of a school district  
9 shall do both of the following:  
10 (1) Select the grade level or levels to be reduced at each  
11 schoolsite.



(2) Give priority to reducing class size in the selected grade level or levels at the schoolsite before reducing class size in other grade levels at that schoolsite.

(c) It is the intent of the Legislature to continue to permit the use of combination classes of more than one grade level to the extent that school districts are otherwise permitted to use that instructional strategy. However, any school district that uses a combination class in any class for which funding is received pursuant to this chapter may not claim funding pursuant to this chapter if the total number of pupils in the combination class, regardless of grade level, exceeds 20 pupils per certificated teacher assigned to provide direct instructional services.

(d) The governing board of a school district shall certify to the Superintendent of Public Instruction that it has met the requirements of this section in implementing its class size reduction program. If a school district receives funding pursuant to this chapter but has not implemented its class size reduction program for all grades and classes for which it received funding pursuant to this chapter, the Superintendent of Public Instruction shall notify the Controller and the school district in writing and the Controller shall deduct an amount equal to the amount received by the school district under this chapter for each class that the school district failed to reduce to a class size of 20 or less pupils from the school district's next principal apportionment or apportionments of state funds to the district, other than basic aid apportionments required by Section 6 of Article IX of the California Constitution.

(e) This section shall become operative on and after January 1, 2007.

SEC. 2. Section 52124 is added to the Education Code, to read:

52124. (a) A school district that implements a class size reduction program pursuant to this chapter is subject to this section.

(b) A school district may establish a program to reduce class size in kindergarten and grades 1 to 3, inclusive. In order to best meet the needs of its pupils, the governing board of a school district shall do both of the following:

(1) Select the grade level or levels to be reduced at each schoolsite.

1 (2) Give priority to reducing class size in the selected grade  
2 level or levels at a schoolsite before reducing class size in other  
3 grade levels at that schoolsite.

4 (c) It is the intent of the Legislature to continue to permit the  
5 use of combination classes of more than one grade level to the  
6 extent that school districts are otherwise permitted to use that  
7 instructional strategy. However, any school district that uses a  
8 combination class in any class for which funding is received  
9 pursuant to this chapter may not claim funding pursuant to this  
10 chapter if the total number of pupils in the combination class,  
11 regardless of grade level, exceeds 20 pupils per certificated teacher  
12 assigned to provide direct instructional services.

13 (d) The governing board of a school district shall certify to the  
14 Superintendent of Public Instruction that it has met the  
15 requirements of this section in implementing its class size  
16 reduction program. If a school district receives funding pursuant  
17 to this chapter but has not implemented its class size reduction  
18 program for all grades and classes for which it received funding  
19 pursuant to this chapter, the Superintendent of Public Instruction  
20 shall notify the Controller and the school district in writing and the  
21 Controller shall deduct an amount equal to the amount determined  
22 pursuant to paragraphs (1) to (4), inclusive, of subdivision (e), as  
23 appropriate, for each class that the school district failed to reduce  
24 to a class size of 20 or less pupils from the school district's next  
25 principal apportionment or apportionments of state funds to the  
26 district, other than basic aid apportionments required by Section  
27 6 of Article IX of the California Constitution.

28 (e) Except for school districts participating pursuant to  
29 subdivision (h) of Section 52122, the amount deducted pursuant  
30 to subdivision (d) shall be adjusted as follows:

31 (1) Fifteen percent of the amount to which the district would  
32 otherwise be eligible for each class for which the annual  
33 enrollment determined pursuant to Section 52124.5 is greater than  
34 or equal to 20.5 but less than 21.0.

35 (2) Thirty percent of the amount to which the district would  
36 otherwise be eligible for each class for which the annual average  
37 enrollment determined pursuant to Section 52124.5 is greater than  
38 or equal to 21.0 but less than 21.5.

39 (3) Forty-five percent of the amount to which the district would  
40 otherwise be eligible for each class for which the annual average

1 enrollment determined pursuant to Section 52124.5 is greater than  
2 or equal to 21.5 but less than 22.

3 (4) The amount deducted pursuant to subdivision (d) for each  
4 class for which the annual average enrollment determined  
5 pursuant to 52141.5 is greater than or equal to 22 shall be the  
6 amount to which the district would otherwise be eligible for that  
7 class for which it received funding pursuant to this chapter.

8 (f) Notwithstanding any other provision of law, with respect to  
9 the funds that would otherwise have been deposited in a school  
10 district's deferred maintenance fund as a local contribution  
11 pursuant to Section 17584 for the 2003–04 fiscal year, the  
12 governing board of a school district may use those funds to  
13 supplement, as necessary, state funding for the Class Size  
14 Reduction Program established pursuant to this chapter in the  
15 2003–04 school year, to avoid the reduction or elimination of that  
16 program.

17 (g) This section shall be operative through the 2005–06 school  
18 year, and as of January 1, 2007, is repealed, unless a later enacted  
19 statute deletes or extends that date.

20 ~~SEC. 3. This act is an urgency statute necessary for the~~  
21 ~~immediate preservation of the public peace, health, or safety~~  
22 ~~within the meaning of Article IV of the Constitution and shall go~~  
23 ~~into immediate effect. The facts constituting the necessity are:~~

24 ~~To provide much needed flexibility to school districts currently~~  
25 ~~deciding whether to end participation in the Class Size Reduction~~  
26 ~~Program, it is necessary that this bill take effect immediately.~~

